

SEVENTH DAY

MONDAY, JANUARY 27, 1997

PROCEEDINGS

The Senate met at 12:00 noon pursuant to adjournment and was called to order by President Pro Tempore Zaffirini.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

To be elected: District 5.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Rob Harrell, First Evangelical Free Church, Austin, offered the invocation as follows:

O Lord, our Lord, how majestic is Your name in all the Earth! We praise You today that You have set Your glory above the heavens and from the lips of children and infants You have ordained praise. When we consider Your heavens, the works of Your fingers, the moon and the stars, which You have set in place, who are we that You are mindful of us? But You have made us a little lower than the heavenly beings and crowned us with glory and honor. And You, Lord, have made us to be rulers over the works of Your hands.

Today, Lord, we pray for our leaders and ask that You would fill them with wisdom and understanding, strength and insight, discernment and compassion, and the knowledge of Your will. We pray this in Your name and for Your glory. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 23, 1997, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 211

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 211**.

CO-AUTHOR OF SENATE BILL 212

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 212**.

CO-AUTHOR OF SENATE BILL 213

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 213**.

CO-AUTHOR OF SENATE BILL 265

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 265**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 257 by Luna, Moncrief

Relating to the regulation of the practice of naturopathic medicine; providing penalties.

To Committee on Health and Human Services.

SB 260 by Patterson

Relating to the transfer of the Texas Chiropractic College to The Texas A&M University System.

To Committee on Finance.

SB 267 by Ellis

Relating to a report by the Texas Department of Health on immunization rates.

To Committee on Health and Human Services.

SB 268 by Barrientos

Relating to interwatershed transfers of surface water.

To Committee on Natural Resources.

SB 269 by Barrientos

Relating to the waiver or alternate use of municipal impact fees.

To Committee on Intergovernmental Relations.

SB 270 by Haywood, Fraser, Ellis

Relating to peace officers of hospitals in certain municipalities.

To Committee on Intergovernmental Relations.

SB 271 by Gallegos

Relating to the geographic area where a holder of a local distributor's permit may sell ale, beer, or malt liquor.

To Committee on State Affairs.

SB 272 by Gallegos

Relating to complaints against police officers and fire fighters.

To Committee on Intergovernmental Relations.

SB 273 by Zaffirini, Ellis, Nelson, Haywood, Gallegos

Relating to development of a statewide consumer guide for senior citizens.

To Committee on Health and Human Services.

SB 275 by Sibley, Carona, Haywood, Galloway
Relating to certain acts of public accountants.
To Committee on Economic Development.

SB 276 by Patterson
Relating to the delivery and funding of certain mental health, chemical dependency, and mental retardation services through networks established by community centers; establishing requirements for capitation and other at-risk contracts for members of the state's priority population; and declaring an emergency.
To Committee on Health and Human Services.

SB 277 by Patterson
Relating to provision of certain mental health and substance abuse services through health maintenance organizations.
To Committee on Economic Development.

SB 278 by Patterson
Relating to the wearing of protective headgear by motorcycle operators and passengers.
To Committee on State Affairs.

SB 279 by Patterson
Relating to the prevention of horse theft.
To Committee on Criminal Justice.

SB 280 by Zaffirini
Relating to the experience credited in placing a public school teacher or librarian on the state minimum salary schedule.
To Committee on Education.

SB 281 by Ellis, Haywood
Relating to development of a statewide consumer guide for senior citizens.
To Committee on Health and Human Services.

SB 282 by Haywood, Ellis, Shapiro
Relating to incentives for an employer that establishes and operates a day-care center for children of employees or purchases child-care services for employees.
To Committee on Finance.

SB 283 by Haywood
Relating to the law enforcement authority of certain criminal investigators of the United States with respect to violations of state law.
To Committee on International Relations, Trade, and Technology.

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Fred L. Merian and his wife Mary of Victoria as the "Doctor for the Day."

The Senate welcomed Dr. Merian and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 38

Senator Galloway offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in joining the residents of Orange County in declaring January 27, 1997, as Orange County Day; and

WHEREAS, Organized in 1852, Orange County was created from Jefferson County and was named after an orange grove that flourished in the early days on the east bank of the Neches River; the county is located in the southeast corner of Texas on the Louisiana border; and

WHEREAS, Orange County is blessed with a wealth of natural resources and a bountiful harvest of crops; two-thirds of the county is timbered in pine forests and one-third is coastal prairie land; the county's black alluvial soil produces rice, vegetables, fruits, and honey; and

WHEREAS, The county is rich with oil, and miles of modern plants have been established that produce a myriad of products derived from petroleum; lumber processing and shipbuilding are also major sources of support to the county's economy; and

WHEREAS, The City of Orange is Orange County's seat and is known for its seaport, its petrochemical plants, its manufacture of lumber, its museums, and its branch of Lamar University; the Port of Orange is a deepwater terminal 42 miles inland at the junction of the Sabine-Neches and Gulf Intracoastal Waterways; and

WHEREAS, Over the years, industrial development and population growth in the county have been managed with care in order to preserve natural habitats; recreational opportunities still abound, and outdoor enthusiasts are able to enjoy fishing, hunting, water sports, and bird-watching in the coastal marshes; and

WHEREAS, Numerous metropolitan events are hosted routinely in cities throughout the county, including the gumbo festival held in May in Orange and the Mayhaw Mania Festival held in April in Bridge City; Bridge City is also the site of a rest stop for the famed Monarch butterfly during its migratory flight to Mexico during the fall; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the people of Orange County for their preservation and support of the county's many assets and express best wishes to them for a joyous Orange County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Orange County as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Galloway, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Galloway was recognized and introduced to the Senate the following delegation from Orange County: Judge Don Burgess, Sheriff Mike White, Larry Fisher, Thad Angelle, Clayton Keen, Alan Sanders, and Judge Buddie Hahn.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Monday, January 27, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 4, Granting the Texas DeMolay Association permission to use the senate and house chambers on February 15 and 16, 1997, and February 21 and 22, 1998, for its legislative seminar.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE ALBUMS PRESENTED

Senator Truan was recognized and, on behalf of the Senate, presented Senate albums to the Honorable Jim Turner, United States Congressman and former Senator; and John Montford, Chancellor of Texas Tech University and Health Sciences Center, and former Senator.

SENATE BILL 97 WITH HOUSE AMENDMENTS

Senator Moncrief called **SB 97** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 97** as follows:

(1) On page 1, strike lines 12 and 13 and substitute the following:

(1) the actor knows or reasonably believes the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household; or

(C) that an offense will be committed against the other person's property;

Floor Amendment No. 2

Amend Committee Amendment No. 1 to **SB 97** by striking the language of the amendment that reads:

"On page 1, strike lines 12 and 13"
and substituting the following language:
"On page 1, strike lines 11 and 12".

Committee Amendment No. 2

Amend **SB 97** as follows:

- (1) On page 1, line 14, between "family" and "to", insert "or household".
- (2) On page 1, line 21, between "family" and the semicolon, insert "or household".
- (3) On page 2, line 4, strike "has the meaning" and substitute "household," and "member of a household" have the meanings".

The amendments were read.

Senator Moncrief moved to concur in the House amendments to **SB 97**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

GAVEL PRESENTED

President Pro Tempore Zaffirini presented Senator Moncrief with the gavel used for the passage of the Stalking Bill (**SB 97**).

MEMORIAL RESOLUTION

SR 58 - by Zaffirini: In memory of Ray Marvin Keck, Jr., of Laredo.

CONGRATULATORY RESOLUTIONS

SR 60 - by Cain: Congratulating Matt Robinson of Terrell.

SR 61 - by Cain: Congratulating Betty C. Dunbar of Pampa.

SR 62 - by Cain: Congratulating Representative Delwin L. Jones of Lubbock.

SR 63 - by Cain: Congratulating Don Legg of Kemp.

SR 64 - by Barrientos: Congratulating the Texas Association of Mexican American Chambers of Commerce.

SR 66 - by Barrientos: Congratulating Manuela Zuniga Cano.

HCR 28 - (Truan): Congratulating Ed and Mildred Schroeder of Corpus Christi.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:19 p.m. adjourned until 10:00 a.m. tomorrow.